



Notice of Service of Process

Transmittal Number: 24205458
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Primary Contact: Andrew Akey
Menard, Inc.
5101 Menard Dr
Eau Claire, WI 54703-9604

Electronic copy provided to: Meghan Olson
Todd Lemanski
Elizabeth Weber

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| Entity: | Menard, Inc. Entity ID Number 0033810 |
| Entity Served: | Menard, Inc. |
| Title of Action: | Susan Buchholz vs. Menard, Inc. |
| Document(s) Type: | Summons/Complaint |
| Nature of Action: | Personal Injury |
| Court/Agency: | Pennington County Circuit Court, SD |
| Case/Reference No: | 51CIV21-001538 |
| Jurisdiction Served: | South Dakota |
| Date Served on CSC: | 12/15/2021 |
| Answer or Appearance Due: | 30 Days |
| Originally Served On: | CSC |
| How Served: | Personal Service |
| Sender Information: | Julius & Simpson, L.L.P. 605-716-1000 |

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STATE OF SOUTH DAKOTA)
)SS
COUNTY OF PENNINGTON)

IN CIRCUIT COURT

SEVENTH JUDICIAL CIRCUIT

SUSAN BUCHHOLZ,

 Plaintiff,

vs.

MENARD, INC.,

 Defendant

CIV NO.: 51CIV21-001538

SUMMONS

TO: Menard, Inc., C/O CT United States Corporation Company, 503 S. Pierre Street, Pierre, South Dakota 57501-4522

YOU ARE HEREBY SUMMONED and required to answer the Complaint of the Plaintiff, a copy of which is herewith served upon you, and to serve a copy of your Answer upon Michael J. Simpson, of Julius & Simpson, L.L.P., Attorneys for the Plaintiff, whose address is 1600 Mountain View Road, Suite 110, Rapid City, South Dakota, 57702, within thirty (30) days from the date of service of this Summons and Complaint upon you, exclusive of the date of such service.

IF YOU FAIL TO DO SO Judgment by default may be rendered against you as requested in Plaintiffs' Complaint, thirty (30) days after the completed service of this Summons and Complaint.

Dated this 30th day of November, 2021.

JULIUS & SIMPSON, L.L.P.

By /s/ Michael J. Simpson

Michael J. Simpson
Attorney for Plaintiff
1600 Mountain View Road, Suite 110
Rapid City, SD 57702
(605) 716-1000
Mike@juliussimpson.com

STATE OF SOUTH DAKOTA)
)SS
 COUNTY OF PENNINGTON)

IN CIRCUIT COURT
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SUSAN BUCHHOLZ,

Plaintiff,

vs.

MENARD, INC.,

Defendant.

CIV NO.: 51CIV21-001538

COMPLAINT

COMES NOW, Plaintiff by and through her counsel, and for her complaint against the above named Defendant, states and alleges as follows:

1. Plaintiff Susan Buchholz (hereinafter referred to as "Plaintiff") is and at all times relevant hereto, was a resident of Pennington County, South Dakota.
2. Defendant Menard, Inc., (hereinafter referred to as "Defendant") is incorporated in the state of Wisconsin and has a business location at 710 North Creek Drive, Rapid City, South Dakota.
3. Defendant owned and exercised control over the operations of the Menard's store located at 710 N. Creek Drive, Rapid City, South Dakota.
4. On September 2, 2021, Plaintiff and her husband entered the Menard's store at 710 North Creek Drive in Rapid City, South Dakota, to shop.
5. After shopping, Plaintiff checked out, using a designated checkout lane. While in the checkout lane, Plaintiff slipped and fell in water which had been allowed to remain on the floor.
6. As a result of the fall, Plaintiff tore her left hamstring.
7. Defendant owed a duty to exercise reasonable and ordinary care to Plaintiff and to maintain its premises in a reasonably safe condition for its customers.

8. Defendant's employees allowed a dangerous condition to remain (water on the floor) and failed to warn Plaintiff of the danger.

9. At all times, Defendant's employees were acting within the scope of their actual, apparent and/or implied authority, as well as acting within the scope of their employment duties for Defendant.

10. Pursuant to the Doctrine of Respondeat Superior, Defendant is responsible for the negligent conduct of its employees as alleged above.

11. Defendant breached its duties owed to Plaintiff.

12. Defendant owned and controlled the property on which Plaintiff was injured and knew or should have known of the dangerous conditions, and should have expected that Plaintiff would not have discovered or realized the danger or would fail to protect herself against it.

13. Plaintiff's injuries were reasonably foreseeable to Defendant.

14. As a direct and proximate result of Defendant's negligence, Plaintiff has sustained past, and future pain and suffering, vocational losses, loss of enjoyment of life, emotional distress, and medical costs and expenses, and future medical costs and expenses, all of which are compensable under South Dakota law.

WHEREFORE, Plaintiff respectfully prays for damages against Defendant as follows:

1. For Plaintiff's compensatory, general, and special damages in an amount that the jury determines is just and reasonable under the circumstances;
2. For pre-judgment and post-judgment interest; and
3. For such other and further relief as the Court deems just and fair under the circumstances.

Dated this 30th day of November, 2021.

JULIUS & SIMPSON, L.L.P.

By /s/ Michael J. Simpson

Michael J. Simpson
Attorney for Plaintiff
1600 Mountain View Road, Suite 110
Rapid City, SD 57702
(605) 716-1000
Mike@juliussimpson.com

TRIAL BY JURY IS DEMANDED ON ALL ISSUES